

BARRY E. HINKLE, Bar No. 071223
 PATRICIA A. DAVIS, Bar No. 179074
 CONCEPCION E. LOZANO-BATISTA, Bar No. 227227
 KRISTINA M. ZINNEN, Bar No. 245346
 WEINBERG, ROGER & ROSENFELD
 A Professional Corporation
 1001 Marina Village Parkway, Suite 200
 Alameda, California 94501-1091
 Telephone 510.337.1001
 Fax 510.337.1023

Attorneys for Plaintiffs

ROBERT E. ROSENTHAL, Bar No. 067343
 ANDREW B. KREEFT, Bar No. 126673
 SERGIO H. PARRA, Bar No. 247682
 BOHNEN, ROSENTHAL & KREEFT
 787 Munras Avenue, Suite 200
 P.O. Box 1111
 Monterey, CA 93942
 Telephone (831) 649-5551
 Facsimile (831) 649-0272

Attorneys for Defendants

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

THE BOARD OF TRUSTEES, in their capacities as Trustees of the CEMENT MASONS HEALTH AND WELFARE TRUST FUND FOR NORTHERN CALIFORNIA, CEMENT MASONS PENSION TRUST FUND FOR NORTHERN CALIFORNIA, CEMENT MASONS VACATION/HOLIDAY TRUST FUND FOR NORTHERN CALIFORNIA, CEMENT MASONS APPRENTICESHIP AND TRAINING TRUST FUND FOR NORTHERN CALIFORNIA,) No. C 10-01492 EDL
)
Plaintiffs,)
)
v.)
)
PAUL T. BECK CONTRACTORS, INC., A California Corporation,)
)
Defendant.)
)
)

**STIPULATED REQUEST TO MODIFY
 THE PRETRIAL ORDER AS MODIFIED**

1	THE BOARD OF TRUSTEES, in their)	No. C 10-01493 EDL
2	capacities as Trustees of the LABORERS)	
3	HEALTH AND WELFARE TRUST FUND)	
4	FOR NORTHERN CALIFORNIA;)	
5	LABORERS VACATION-HOLIDAY TRUST)	
6	FUND FOR NORTHERN CALIFORNIA;)	
7	LABORERS PENSION TRUST FUND FOR)	
8	NORTHERN CALIFORNIA; and LABORERS)	
9	TRAINING AND RETRAINING TRUST)	
10	FUND FOR NORTHERN CALIFORNIA,)	
11)	
12	Plaintiffs,)	
13)	
14	v.)	
15)	
16	PAUL T. BECK CONTRACTORS, INC, a)	
17	California Corporation.)	
18)	
19	Defendant.)	
20)	
21)	
22)	

Pursuant to Local Rule 7-12, Plaintiffs, the Board of Trustees, in their capacities as Trustees of the Cement Masons Health and Welfare Trust Fund for Northern California, Cement Masons Pension Trust Fund for Northern California, Cement Masons Vacation-Holiday Trust Fund for Northern California, and Cement Masons Apprenticeship and Training Trust Fund for Northern California and Plaintiffs, the Board of Trustees, in their capacities as Trustees of the Laborers Health and Welfare Trust Fund for Northern California, Laborers Vacation-Holiday Trust Fund for Northern California, Laborers Pension Trust Fund for Northern California, and Laborers Training and Retraining Trust Fund for Northern California (hereinafter "Plaintiffs") and Defendant Paul T. Beck Contractors, Inc. (hereinafter "Defendant"), by and through the undersigned counsel, hereby stipulate and request that the Court issue an Order to modify Pretrial Order for Court Trial (Document No. 36, Case No. 10-1492; Document No. 39, Case No. 10-1493) (hereinafter "Pretrial Order") for the cases 10-1492 and 10-1493 by adding an additional 90 days to all of the deadlines/dates therein, including the trial date, pursuant to F.R.C.P. 16(b)(4).

/// This order also modifies the deadlines for consolidated cases 10-5539 and 10-5540.

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In accordance with F.R.C.P. 16(b), the Court may modify or amend a scheduling order upon a showing of “good cause”. As the Ninth Circuit has stated, this “good cause” standard “primarily considers the diligence of the party seeking the amendment.” The district court may modify the pretrial schedule if it cannot reasonably be met despite the diligence of the party seeking the extension. F.R.C.P. 16(b); *Claudine Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604 (9th Cir. 1992); *Jackson v. Laureate, Inc.*, 186 F.R.D. 605 (E.D. CA 1999).

In this case, both parties seek the amendment of the Pretrial Order. On July 26, 2011, the Court granted Plaintiffs leave to amend their complaints in these actions. (Document No. 43, Case No. 10-1492; Document No. 43, Case No. 10-1493). The same day, July 26, 2011, Plaintiffs filed and served their First Amended Complaints, which added two new defendants to these actions: James Ray Beck, individually and doing business as JRB Grading and Paving, and JRB Grading and Paving. (Document No. 46, Case No. 10-1492; Document No. 45, Case No. 10-1493.) The last day for James Ray Beck and JRB Grading and Paving to answer the First Amended Complaints is August 15, 2011. Under the current Pretrial Order, the discovery cut-off in these actions is August 29, 2011 (Document No. 36, Case No. 10-1492; Document No. 39, Case No. 10-1493). With only two weeks between the date to answer and the discovery cut-off, neither party would have an opportunity to propound discovery with respect to the claims related to the new defendants in the First Amended Complaint. Therefore, under the circumstances of this case, an extension of the discovery period and corresponding trial deadlines is warranted.

Because this Stipulated Request to Modify the Pretrial Order is supported by good cause, the parties hereby respectfully request that the Court modify the Pretrial Order by adding an additional 90 days to all of the deadlines/dates therein, as follows:

November 28, 2011	Discovery cut-off
November 28, 2011	Expert discovery cut-off
January 26, 2012	Last day to complete mediation pursuant to Court Order.
January 30, 2012	Last day to hear dispositive motions
April 5, 2012	Last day to meet and confer prior to the pretrial conference

1 April 16, 2012 Last day to file joint pretrial statement including
2 pretrial disclosures; serve and file trial briefs and
3 motions in limine; serve and file an exhibit list
4 and exchange exhibits

5 April 25, 2012 Last day to file objections to exhibits and
6 witnesses or oppositions to motions in limine

7 8
8 May 7, 2012 Tuesday Pretrial conference and hearing on motions in
9 limine at 2:00 p.m.

10 May 29, 2012 Court trial

11 Additionally, the parties hereby stipulate that if and only if the Court declines to grant the
12 Stipulated Request to Modify the Pretrial Order, each party will not oppose the other party's right
13 to take said party's deposition after the close of discovery.

14 Dated: August 15, 2011

15 WEINBERG, ROGER & ROSENFELD
16 A Professional Corporation

17 By: /s/ Kristina M. Zinnen
18 KRISTINA M. ZINNEN
19 Attorneys for Plaintiffs

20 Dated: August 15, 2011

21 BOHNEN, ROSENTHAL & KREEFT

22 By: /s/ Sergio H. Parra
23 SERGIO H. PARRA
24 Attorneys for Defendant

25 ~~PROPOSED~~ ORDER

26 Pursuant to Stipulation, IT IS SO ORDERED.

27 August 19, 2011

28 
HONORABLE ELIZABETH D. LAPORTE

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